



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,490

09/30/2003

Jeyhan Karaoguz

14279US02

5995

23446

7590

04/02/2010

MCANDREWS HELD & MALLOY, LTD

500 WEST MADISON STREET

SUITE 3400

CHICAGO, IL 60661

EXAMINER

RYAN, PATRICK A

ART UNIT

PAPER NUMBER

2427

MAIL DATE

DELIVERY MODE

04/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/675,490

Applicant(s)

KARAOGUZ ET AL.

Examiner

PATRICK A. RYAN

Art Unit

2427

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/P. A. R./
Examiner, Art Unit 2427

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant respectfully disagrees, Amendment After Final received March 19, 2010 ("After Final") Pages 11-14, with the Examiner's arguments presented in Final Office Action mailed January 21, 2010 ("Final Office Action") Pages 4-5. In particular, "Applicant maintains the combination of Novak and Foreman does not disclose or suggest at least the limitation of 'editing, at said first geographic location, previously created metadata associated with said media content, said editing based on said additional media content'" because "[i]t seems the Examiner has misinterpreted the terms 'shot' and 'clip', as well as the corresponding shot/clip description synchronization in Fig. 16 of Forman." (After Final Pages 12-14; with further reference to Forman Col. 7 Lines 39-64 and Col. 8 Lines 16-49).

The Examiner submits that the claimed "previously created metadata associated with said media content" is passively required by the claim. Claims 1, 11, and 21 do not actively define how metadata is "previously created" or "associated," such that, for example, a step of "previously creating metadata by..." or a step of "associating metadata with said media content by..." are required in the claim language. Similarly, the independent claims do not actively define when "previously created metadata" is created, such that for example, a step of "creating metadata previous to..." is required by the claim language. The Examiner therefore submits that an interpretation of what constitutes "metadata" in Forman can not be restricted by how or when "metadata" is created as long as the "metadata" exists prior to a step of "editing... based on said additionally media content."

The Examiner notes that Step 226 of Forman occurs "previous" to Step 230, where Step 230 has been cited as addressing the claimed "editing" clause (Final Office Action Page 8). Specifically, the Examiner has stated: "[i]f then at Step 230, a process of editing the previously created metadata (from Step 226) is performed based on additional media content" and has cited "(description modifies its duration and pointer to reference the new clip description", as shown in Fig. 16 and described in Col. 10 Lines 65-Col. 11 Line 2; with further reference to Col. 11 Line 3-Col. 12 Line 31)." The Examiner additionally notes that Forman discloses "[a]fter clips for a movie have been captured, more finely detailed editing of the video program can be started" (Col. 11 Lines 3-4).

It is the Examiner's position that Applicant's remaining arguments, After Final Pages 14-23, have been addressed in Final Office Action Pages 2-5 and therefore submits that the combination of Novak and Foreman teach the Claim 1, 11, and 21 limitation of "editing, at said first geographic location, previously created metadata associated with said media content, said editing based on said additional media content."

/PAR/